

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDER SABA,

Plaintiff,

v.

ANDREW CUOMO, in his official
capacity as Governor of the State of New
York, *et al.*,

Defendants.

No. 20 Civ. 5859 (LJL)

SUPPLEMENTAL DECLARATION OF
GREGORY KLINE IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS

I, Gregory Kline, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am Deputy Commissioner for Administration of the New York State Department of Motor Vehicles ("DMV"), a position I have held since 1996. In my current position, I oversee the general administrative functions of DMV. Included within my areas of responsibility are supervision of DMV's computer system modernization project and addressing DMV's IT requirements by liaising with the New York State Office of Technology Services.

2. The facts set forth herein are based on my personal knowledge and/or a review of the documents in my possession. I am familiar with the facts and circumstances of this case and submit this declaration in support of Defendants' motion to dismiss.

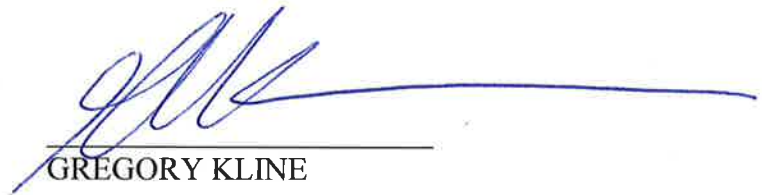
Changes to DMV's System Modernization Project

3. In my prior declaration of October 29, 2020, I advised that DMV had embarked on a modernization project that would replace DMV's legacy system with a new system. Since the date of my prior declaration, DMV has resolved to modify its existing system rather than replace the existing system in order to enable DMV to simultaneously focus efforts on expanding the availability of certain remote services that will eliminate the need for in-person DMV office visits

for various transactions -- such as issuing licenses, permits, and registrations -- in response to the COVID-19 pandemic.

4. However, this change to DMV's modernization project will not negatively impact DMV's goal to allow DMV to create a license record without the need for an applicant to make a binary "male" or "female" gender selection. That goal will still be accomplished through this new modification approach, and on substantially the same timeline as reported in my October 29, 2020 declaration.

Executed on November 10, 2020.



GREGORY KLINE